

# Department of Housing and Community Development

## 2007 California Building Code Development and Adoption Project<sup>1,2</sup>

### **Stakeholder Comment Form Instructions:**

**General** – Use the TAB key to move from question to question on the Stakeholder Comment Form. The Stakeholder Comment Form will accept input in the shaded areas only.

- Shaded boxes can be filled by clicking the mouse button or hitting the space bar.
- Shaded text areas (indicated by >) will accept any amount of text and graphic material, in the full MS Word editing environment. To move from a text input area, use your mouse or the TAB key.

**Section 1 – Stakeholder Recommendations:** Check one of the boxes indicating one of three possible recommendations for the section of code referenced. A fifth choice, "No Recommendation" allows you to refrain from making a recommendation if you still want to answer the questions in sections 2 and 3.

**Section 2 – Nine Point Criteria** - In the form, you are given a chance here to give your answers to 6 of the 9 points (Points 2, 8 and 9 are HCD administrative functions and do not need to be answered by stakeholders.) Each question is stated in a form that can be answered yes or no. Also provided is a text box for explanations of your answer. If you want to provide more extensive responses you may attach a word processing document electronically.

**Section 3 – Views Represent** - In some situations a person's views, as expressed on this form, may actually represent the consensus views of an organization. This is important for HCD to be aware of such a consensus. This section allows the participant to clarify the nature of his or her responses. If the views expressed are not those of an individual, then space is provided to input the name of the organization. If the organization is known by its acronym, please include the acronym.

#### **How to Submit:**

- Submit to the email or fax number at the end of the Stakeholder Comment Form.
- Please be sure to include a cover sheet identifying the purpose of your fax Attn: 07 Code Project.
- Submit any additional supporting information or documentation by email or fax with the stakeholder form.

**Problems?** – Please contact HCD, information on how to contact HCD is located at the end of the Stakeholder Comment Form. Staff will immediately work to diagnose and solve any problems.

**Feedback** – Please feel free to provide any feedback to HCD regarding this approach to rulemaking, the 2007 California Building Code (CBC) Development and Adoption Project, or the code adoption process in general. We will try to respond.

### **Stakeholder Comment Guidelines:**

These Guidelines help give the user an idea of what kind of participation and input HCD is asking for and general information on criteria that are applied when evaluating stakeholder input.

**New Model Building Code (IBC):** HCD plans to propose for adoption the 2006 International Building Code (IBC), which, with state amendments, will become known as the 2007 CBC. However, the 2006 IBC model code will not be available until January 2006. In the interim, HCD is using the 2003 IBC as the basis for determining our initial proposals.

**Jurisdiction:** HCD's jurisdiction for Housing includes all hotels, motels, lodginghouses, apartments, dwellings and buildings accessory thereto, for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance.

**Purpose of Amendments:** The purpose for HCD amendments to the building code is to bridge any gaps between the model building code and California statutory requirements for occupancies within HCD's jurisdiction.

HCD's objective in this IBC adoption project is to discontinue amendments that are sufficiently addressed in the new model code or referenced standards, or otherwise do not meet Nine-Point criteria of Building Standards Law, or do not fulfill the statutory requirements or goals of HCD.

## Evaluating Stakeholder Input:

- **State Housing Law Program Objectives.** Consider and address the following State Housing Law objectives:
  - Adopt building standards and administrative regulations that assure safe and durable housing while safeguarding affordability.
  - Encourage uniformity in building standards; protect the health, safety and general welfare of the public and occupants of residential buildings statewide.
  - Assure the availability of affordable housing and uniform statewide code enforcement; to protect the health, safety, and general welfare of the public and occupants of housing and buildings accessory thereto.
- **Statutory Requirements.** How well does the amendment meet:
  - **Nine-Point Criteria of Building Standards Law:**

Amendments must meet the tests of the Nine-Point Criteria Health & Safety Code Section 18930(a)

Specifically, for the HCD IBC project, participants are asked to provide their answers to as many of these 9 points as appropriate. (Note, Points 2, 8, and 9 are not listed on the form as they are HCD administrative functions). Briefly, amendments proposed for adoption must meet the following tests:

1. The amendment does not conflict or overlap with other standards
3. The public interest requires the amendment (health, safety or welfare)
4. The amendment is not unreasonable or capricious
5. The amendment shows a favorable cost-benefit ratio
6. The amendment is clear and objective
7. The amendment fills a need due to inadequacy of model code/standard
  - Scope of model code or referenced standard does not address specific aspects for construction within HCD's jurisdiction
  - Model code or referenced standards do not fulfill statutory performance objectives for buildings within HCD's jurisdiction

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**Government Code Section 11346(b)** An agency that is considering adopting, amending, or repealing a regulation may consult with interested persons before initiating regulatory action pursuant to this article.

**Health and Safety Code Section 17921(a)** Except as provided in subdivision (b), the department shall propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the department shall adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. Except as otherwise provided in this part, the department shall enforce those building standards and those other rules and regulations. The other rules and regulations adopted by the department may include a schedule of fees to pay the cost of enforcement by the department under Sections 17952 and 17965.

(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Section 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.